

Office of the State Public Defender

Administrative Policies

Subject: Contract Investigative Services	Policy No.: 132
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1.0 POLICY

- 1.1 The Office of the State Public Defender (OPD) may enter into contracts with non-attorney professionals as necessary to deliver public defender services pursuant to the Montana Public Defender Act.
- 1.2 State contracts are viewed as a cost-effective manner in which to ensure that public defender/indigent defense services are available in those areas where full time staff services are unavailable, when conflict situations arise, or to alleviate workload issues.

2.0 PROCEDURE

- 2.1 Prospective contract investigators must complete the Summary of Education and Experience as provided on the OPD website.
- 2.2 Upon receipt of the Summary of Education and Experience information, the OPD Investigator Supervisor will review the information and provide qualified applicants with a Memorandum of Understanding (MOU).
- 2.3 Prospective contractors acknowledge that they have read and agree to abide by the ethical and practice Standards of their profession by signing the MOU and returning it to OPD. The MOU also requires that contractors complete required continuing educational units in courses relating to their profession, including training requirements established by OPD's Training Coordinator.
- 2.4 Cases will be referred to investigators based on qualifications and experience. OPD is not obligated to assign any specific number of cases to a contractor, nor are contractors obligated to accept any case referred for assignment.
- 2.5 All contract investigative services are subject to OPD's pre-approval policy (Policy 125).

3.0 PAYMENTS FOR SERVICES

- 3.1 The OPD shall pay contractors directly for services rendered.
- 3.2 Contract investigator services shall be paid according to the fee schedule adopted by the Public Defender Commission.
- 3.3 Pre-approved travel expenses shall be paid at the state travel rates.
- 3.4 Other expenses shall be paid as pre-approved under OPD Policy 125.

4.0 PAYMENT PROCEDURES

- 4.1 Contract investigators shall submit an itemized claim on the appropriate payment form for conflict and non-conflict cases by the tenth of the month following the date of service. Submit services for only one calendar month per claim form.

- 4.2** The forms and accompanying instructions are posted on the OPD web site. Each form must contain the case number assigned by OPD.
- 4.3** Hourly time shall be billed in tenths of an hour.
- 4.4** Claims for non-conflict services shall be submitted to the supervising Regional Deputy Public Defender for review, who shall within five (5) days review and forward the claim to the Central Services office. The OPD Contract Manager will review, approve and pay said claim within 30 days of receipt of the same.
- 4.5** Claims for conflict services are to be submitted directly to the Conflict Coordinator, who will review, approve and pay claims within 30 days of receipt.
- 4.6** Payment may be delayed if the claims are returned for corrections, clarification or for failure to include the assigned OPD case number.
- 4.7** Claims submitted more than 45 days from the last day of the month of service will be denied.

5.0 CLOSING

Questions about this policy should be directed to:

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